

AO106 (Rev. 12/03) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT

DISTRICT OF

MASSACHUSETTS

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

Express Mail Parcel,
EQ 294 676 331 US
addressed to Mike Ross,
70 Cortland Street, Springfield, MA

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number:

08mj637-KPN

I, Postal Inspector Bryon Dailey being duly sworn depose and say:

I am a(n) Postal Inspector of the U.S. Postal Inspection Service and have reason to believe
Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)
Express Mail Parcel,
EQ 294 676 331 US
addressed to Mike Ross,
70 Cortland Street, Springfield, MA

in the _____ District of Massachusetts

there is now concealed a certain person or property, namely (describe the person or property to be seized)
a controlled substance.

which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)
Evidence of a crime.

concerning a violation of Title 21 United States code, Section(s) 841

The facts to support a finding of probable cause are as follows:

See attached affidavit of Bryon Dailey which is incorporated by reference.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Bryon Dailey
Signature of Affiant

Sworn to before me and subscribed in my presence,

May 6, 2008

Date

at

Springfield

City

Massachusetts

State

Kenneth P. Neiman, Chief USMJ

Name of Judge

Title of Judge

Kenneth P. Neiman
Signature of Judge

AFFIDAVIT

I, Bryon L. Dailey, being duly sworn, state as follows:

1. I am a United States Postal Inspector and have been so employed for 18 years. I am assigned to the Springfield, MA office of the United States Postal Inspection Service (USPIS). As a Postal Inspector, I am responsible for investigations involving theft of United States mail, obstruction of the United States mail, mail fraud, and other criminal activities involving the use of the mail, including the investigation of items of mail not allowed to be mailed, such as controlled substances, which are given over to the United States Postal Service for delivery
2. I am making this affidavit in support of an application for a search warrant to search the contents of an Express Mail parcel, EQ 294 676 331 US, addressed to Mike Ross; 70 Cortland Street; Springfield, MA 01109 and bears a return address of Tamar Brown; 22 E 28 St; Tucson, AZ 85709. A copy of the Express Mail label is attached to this affidavit as Exhibit A. The Express Mail Parcel has a postage meter applied to the parcel in the amount of postage totaling \$45.25 that was issued out of Tucson, AZ 85711 on April 29, 2008. A copy of the postage meter is attached to this affidavit as Exhibit B. The parcel measures approximately seventeen inches by eleven inches, is approximately nine inches in thickness, and weighs approximately 9 pounds and 2 ounces. A copy of a picture of the Express Mail parcel is attached to this affidavit as Exhibit C.

Probable Cause

3. On Wednesday, April 29, 2008, I received a call from the US Postal Inspection Tucson, AZ Domicile of the Phoenix Division, Postal Inspector Timothy Weisend,

regarding an Express Mail Parcel that they had discovered during a review of outgoing mail for suspected contraband. Inspector Weisend indicated that the return address on the Express Mail Parcel of 22 E 28 St was a no such number in Tucson, AZ. I later researched the address in Accurint database, which is an address data information system available to the US Postal Inspection Service, and found a 22 W 28th Street as the closest address. I also searched the name of Tamar Brown in the Accurint database and found a Tamara Brown in Tucson but the addresses were not similar with the one provided on the Express Mail label that is the subject of this affidavit. In addition, Inspector Weisend has had training in the inspection of mail parcels that are suspected to contain contraband. This inspection includes but is not limited to looking for Express Mail Parcels being mailed from source areas identified from previous investigations, return addresses that are nonexistent or have no such person by the name on the mailing label living at that address, excessive weight to the packages, excessive wrapping and taping of the package, misspelling of names or the address information, being mailed from a Post office not associated with the return address, and being mailed to areas identified from previous investigations. While examining the parcel, Inspector Weisend recognized that the Express Mail Parcel had all its seams glued. This is another indicator, known through the experience of Inspector Weisend, which is used by individuals mailing controlled substances to avoid the detection of odors from being emitted from the parcel's contents. Inspector Weisend indicated that the Express Mail Parcel originated from a Central Mail Receiving Agency (CMRA), called Postal Connections, located at 5350 E. Broadway Blvd, Suite 114, Tucson, AZ 86711. He indicated that three parcels, all with similar handwriting on the address labels and similar characteristics as described were intercepted from the CMRA. The other two

parcels were to be sent to addresses in Florida and New York. Based on the present investigative information, I requested Inspector Weisend to send the Express Mail Parcel to my attention at the Springfield Domicile of the Boston Division of the US Postal Inspection Service.

4. On Thursday, May 01, 2008 14, 2008, at approximately 10:30 AM I received the Express Mail Parcel, under separate cover, from Inspector Weisend. After securing the parcel I contacted the Springfield Police Department's K-9 Unit to request an examination of the Express mail parcel by a dog trained in the detection of controlled substances. I made arrangements to have the Express Mail Parcel subjected to examination by "Hammer" a dog trained in narcotics detection. This examination took place at the Springfield Main Post Office in the presence of Officer Tim Morrow, K-9 handler for the Springfield Police Department and who trained Hammer. Officer Morrow has over 23 years on the police force and over 11 years have been in the field of narcotic identification with the K-9 Unit. Hammer has been certified by the Commonwealth of Massachusetts, Department of State Police, as a narcotics dog meeting the required NESPAC standards. Hammer has performed over 400 successful training tests prior to receiving certification. In addition, Hammer has over 100 successful street identifications and has performed several successful identifications requested by the US Postal Inspection Service in the past. Hammer has been certified for the identification of marijuana, cocaine, heroin, and their derivatives, as well as methamphetamine.
5. The examination took place in the following manner: Eight parcel packages that were of various sizes were placed in the Post Office for Hammer to examine.

After Hammer was allowed to examine the eight parcel packages, one of the eight parcels was replaced with the suspect Express Mail Parcel. I observed that after Hammer sniffed the entire assembled parcels, Hammer alerted to the suspect Express Mail Parcel. After changing the positions of all eight parcels, this entire process was repeated a second time with Hammer alerting to the suspect Express Mail Parcel. Following Hammer's alerts to the suspect parcel, I secured the Express Mail Parcel for appropriate handling.

6. After the examination of the Express Mail Parcel, I contacted the Old Pueblo Annex in Tucson, AZ and made an additional inquiry to the return address handwritten on the Express Mail label. The address of 22 E 28 St was again confirmed as nonexistent by the Customer Service Supervisor that I spoke to. I inquired about the CMRA mailing address of Postal Connections at 5350 E Broadway Blvd in Tucson, AZ and was directed to call the Corando Station Postal Unit for information on that CMRA. After contacting the Corando Station, it was learned that they are 2 minutes from the Station and 25 minutes from fictitious address provided on the Express Mail label. This is another indicator, known to me as a narcotics investigator, done intentionally by the mailer to avoid detection of the fraudulent return address information by postal employees familiar with the particular address area. The Customer Service Supervisor at the Corando Station indicated that the CMRA does business with them and that this parcel was accepted for delivery by the US Postal Service through the CMRA and not the mailer. This is verified with the application of a PVI label from the Post Office with a zero amount recorded on it that is attached to the subject Express Mail Parcel of this affidavit. A copy of this PVI label is attached as Exhibit D. This method of placing a "zero" PVI label verifies that the Post Office

recognizes the mailer, Postal Connections, who placed the original postage on the Express Mail parcel with their own meter stamp, referred to earlier as Exhibit B. While confirming the address information, I observed that the typed address for Mike Ross indicates 70 Cortland St, Springfield, MA 01109. Attached as Exhibit E is this mailing label attached to the Express Mail parcel that is the subject of this affidavit. This label was compared to the handwritten address on the Express Mail label, referred to earlier as Exhibit A, and it is recognized that the address name of Cortland is misspelled as Coltiand and that the name of Mike Ross dose not appear on the Express Mail label but only on the typed label provided by Postal Connections. Based on my experience as a narcotics investigator, this is an indicator of someone mailing contraband to addresses that they are not familiar with and having to request assistance on verifying the address of destination prior to mailing it through a third party, such as Postal Connections.

7. At approximately 3:00 PM on May 1, 2008, I spoke with Carrier Jim McQuaid who had just delivered the mail to 70 Cortland Street. According to Carrier McQuaid there is only one name on the mailbox for 70 Cortland Street and that last name is Ingraham. Carrier McQuaid had one piece of mail for delivery to that address today and when he attempted to deliver it, 4 individuals were waiting at the address, one of whom attempted to intercept the mail piece prior to the carrier putting it in the mailbox. Carrier McQuaid described the individuals as having accents from the Island, possibly Jamaican, and not known to him in the area of delivery. The residence was described by the carrier as a two and half story house, mustard yellow in color and having two mailboxes attached to the dwelling. According to the carrier, 70 Cortland is the first floor apartment and 68

Cortland is the 2nd floor apartment that at this time has no names on the mailbox and is presumed to be vacant. Based on my experience in narcotic investigations, the individuals waiting at the address were anticipating the delivery of the Express Mail Parcel. An address inquiry was done on Accurint on the 70 Cortland address and there is no name associated with Mike Ross or Ingraham. An inquiry was done on Mike Ross in the data base and several addresses appeared in various zip code areas of the city including 01109. None of these addresses is associated with 70 Cortland Street. An inquiry was done on the name of Ingraham in the data base and several addresses appeared in various zip code areas of the city including 01109. None of these addresses is associated with 70 Cortland Street.

8. Based on the above, I believe there is probable cause to believe that the parcel described above contains evidence, fruits or instrumentalities of the offense of distribution of a controlled substance in violation of Title 21, United States Code, Section 841.

Conclusion

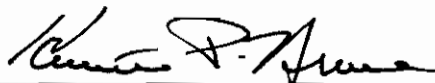
9. In consideration of the foregoing, I respectfully request that this court issue a search warrant for the above-described Express mail parcel, authorize any United States Postal Inspector, with appropriate assistance from other law enforcement authorities, to search said parcel and to seize the parcel and any controlled substances contained therein, all of which constitute fruits, instrumentalities, or evidence of violations of Title 21, United States Code, Section 841.

10. I also respectfully request that the Court impound the search warrant, the application for the search warrant, and the affidavit submitted in support of the search warrant until further notice of the court, pursuant to Local Rule 7.2, on the grounds that the investigation of this matter is ongoing and that disclosure of the information contained in those documents could compromise the on-going investigation.



Bryon L. Dailey
U.S. Postal Inspector

Sworn to before me and subscribed in my presence this 6 day of May, 2008.



Kenneth P. Neiman
United States Magistrate Judge

EXHIBIT A



Post Office To Address

CUSTOMER USE ONLY

70 COLT LAND ST
SPRINGFIELD MD

01109+

00 294676331 US

OPTIONAL SERVICE USE ONLY

85732X 4575
412908 430
3.
9.2

RS

TAMAR BROWN

22 E 28 ST
TUCSON AZ 85702



FOR PICKUP OR TRACKING

Visit WWW.USPS.COM

Call 1-800-222-1811

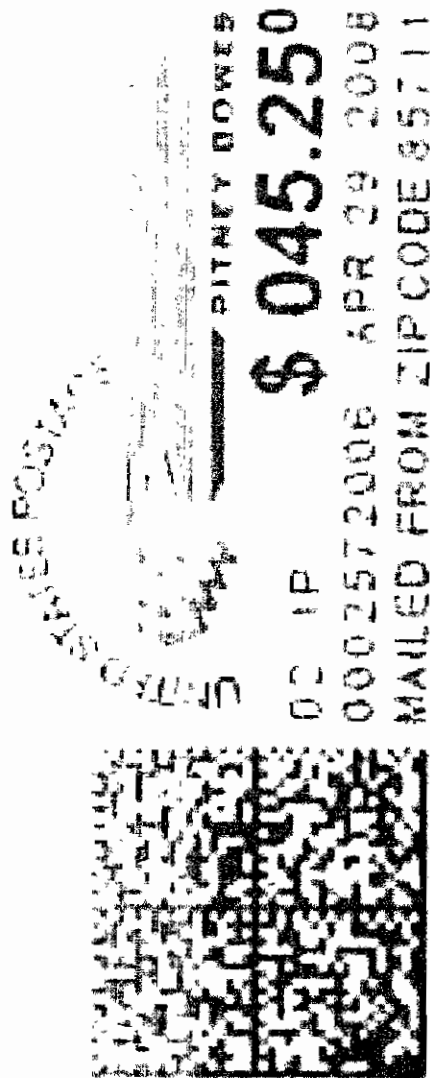


EXHIBIT B

EXHIBIT C

CONFIDENTIAL

EXHIBIT C

EXHIBIT D

13

U.S. POSTAGE

PAID

TUCSON, AZ

85711

APR 29, '08

AMOUNT

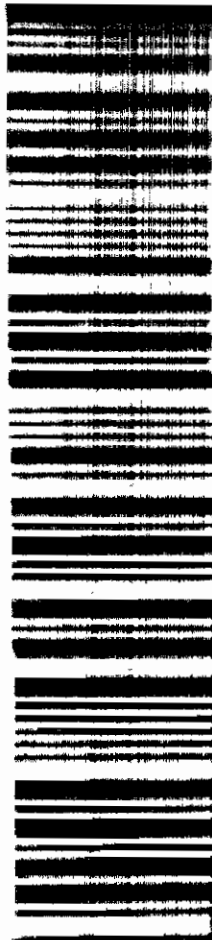
\$0.00

00037283-08



UNITED STATES
POSTAL SERVICE

0000



43123



43123
Instal Connections
5000 E. Broadway Blvd., Suite 114,
TUCSON, AZ 85711

Shipment ID: 13218 Package ID: 13230
Tracking #: E029467633105

EXPRESS MAIL

SHIP TO:

MIKE ROSS
70 CORTLAND ST
SPRINGFIELD, MA 01109

43123